

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6160

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of completing pedestrian and bicycle improvements along Northup Way; providing for condemnation, appropriation, taking of land and property rights necessary therefore; providing for payment thereof including payment in part by consideration of special benefits and related special assessments, and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 3, 2012, the City Council adopted the 2013-2019 Capital Investment Program (CIP), by Ordinance No. 6089; and

WHEREAS, the Northup Way Corridor Improvements, (CIP Plan No. PW-R-146), was adopted as part of the 2013-2019 CIP, which includes the public uses of constructing bike lane and sidewalk improvements on Northup Way between NE 24th Street and NE 33rd Place and other elements which may include a pedestrian bridge at the Burlington Northern-Santa Fe railroad crossing, pedestrian crossings at key locations, retaining walls, traffic signals, illumination, landscaping, irrigation, storm drainage and detention and other utility infrastructure as needed (the "Project"); and

WHEREAS, the Project will also serve as an interim trail connecting the existing SR 520 trail terminus (near NE 24th Street) and NE 33rd Place where a new regional pedestrian and bicycle path will be built by the Washington State Department of Transportation's (WSDOT) as part of the SR 520 project; and

WHEREAS, given the importance of this connection, the Project is a partnership between the City and WSDOT; and

WHEREAS, City Council finds that the public health, safety, necessity and convenience demand that said Project be undertaken at this time and that in order to carry out the Project it is necessary at this time for the City to acquire interests and rights to the properties described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interests in the land and property rights hereinafter described be condemned, appropriated, and taken for public use, subject to the making or paying of just compensation to the owners thereof and allowing for consideration of special benefits and related special assessments in the manner provided by law; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The land and property rights within the City of Bellevue, King County, Washington, adjacent to Northup Way between NE 24th Street and NE 33rd Place, as now legally described in Exhibit "A" and generally depicted on Exhibit "B", are necessary for construction of the Project described above, subject to making or paying just compensation to the owners thereof, and allowing for consideration of setoff by the amount of special benefit accruing to the remainder portion of the property, in the manner provided by law.

Section 2. The City Council of the City of Bellevue finds construction of the Project to be a public use, specifically the public use of constructing bike lane and sidewalk improvements on Northup Way between NE 24th Street and NE 33rd Place and other elements which may include a pedestrian bridge at the Burlington Northern-Santa Fe railroad crossing, pedestrian crossings at key locations, retaining walls, traffic signals, illumination, landscaping, irrigation, storm drainage and detention and other utility infrastructure as needed. The City Council specifically finds construction of the Project to be necessary and in the best interests of the citizens.

Section 3. The cost and expense of acquiring the property rights described in this Ordinance shall be paid by the Washington State Department of Transportation (WSDOT) or from other general funds of the City. The Director of the Civic Services Department or her designee is hereby authorized to negotiate with, make offers to, and execute agreements with the owners of said land or property interests, for the purposes of obtaining property interests, including remainder parcels, if they are determined to be uneconomic remnants; entering into lease agreements with property owners (lease-backs) between the time of acquisition and start of construction; making or paying just compensation; and, approving the payment of just compensation as negotiated with said owners or as ordered by the Court.

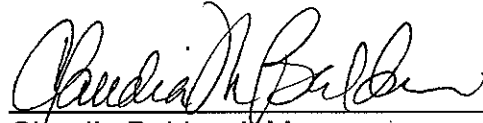
Section 4. In the absence of negotiated purchases with the affected property owners, the City Attorney or her designee is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, and take the property necessary to carry out the provisions of this ordinance. In so doing, the City Attorney or her designee is authorized to utilize legal descriptions and depictions of the property rights condemned herein in a format more precise than those general descriptions and depictions set forth in Exhibits A and B. The City Attorney or her designee is further authorized to approve and enter into any and all such agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 5. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

ORIGINAL

Passed by the City Council this 19th day of May, 2014
and signed in authentication of its passage this 19th day of May,
2014.

(SEAL)


Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Cheryl A. Zakrzewski, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published May 22, 2014